

REMARKS

Claims 1, 6-8 and 10-27 remain pending in the present application.

The restriction requirement made in the Office Action dated February 25, 2003, in which claims 13-17 and 19-27 were withdrawn from consideration, is respectfully traversed with respect to claims 13-17 and 19-13. Claims 13-17 are all dependent claims which depend ultimately from claim 1, and hence incorporate all the features recited in the latter. Similarly, claims 19-23 are all dependent claims which depend ultimately from claim 10, and hence incorporate all the features recited in the latter.

The Office Action objects to the drawings as being informal. A set of replacement formal drawings is attached hereto which address the grounds of informality objected to by the Examiner. Additionally, the previously omitted decision label "N" at element 70 in Fig. 8, the reference numeral 114 in Fig. 9, and the decision label "Y" at element 115 in Fig. 9 have been added.

Claims 1, 6-8, 10-12 and 18 have been rejected under 35 U.S.C. 102(b) as being anticipated by the book entitled A Guide to the Project Management Body of Knowledge, by the Project Management Institute, edited by William R. Duncan, pub'd. 1996, hereinafter referred to as "Duncan."

Claim 1 recites, *inter alia*, "setting a tasking horizon based on a predetermined time interval," "for each task related event expected to occur during said tasking horizon, assigning the task corresponding with the respective task related event if said corresponding task has not yet been assigned," and "receiving a respective predicted date for each task related event expected to occur during said tasking horizon." Claim 1 also recites "for each of said at least one task related event for each of said plurality of

tasks, associating at least two predetermined verbs with the respective task related event,” and “for each actual date received, receiving a verb associated with the respective task related event, said received verb being one of said at least two predetermined verbs.” Another feature recited in claim 1 is “tracking the performance of said project in real time based at least in part on the received predicted dates, actual dates and predetermined verbs.”

Similarly, independent claim 10 recites “a management module . . . for setting a tasking horizon” and “at least one task assignment station for receiving information of at least one task having a task related event expected to be performed during said tasking horizon.” Claim 10 also recites that the management module associates “at least two predetermined verbs with [each] task” and that the at least one task assignment station enables the entering of “a selected one of said at least two predetermined verbs for each actual date entered” for the task related events. Another feature recited in claim 10 is “a human resources module for providing real time performance information for said plurality of tasks based on corresponding predicted dates, actual dates and verbs entered into the at least one task assignment station for each task expected to have a task related event performed during said tasking horizon” (emphasis added).

The term “tasking horizon” as recited in claims 1 and 10 is described in the present application as being “designed to be a realistic planning window that corresponds to the length of time most employees can plan their work” (specification, p. 6, lns. 6-9; p. 11, lns.19-26). The reason for this is that “the most effective planning is generally limited to a predetermined period of time, which is likely to be much smaller than the project time period.” (*Id.*) (emphasis added). Thus, each tasking horizon is a fixed window of time within which any of a plurality of tasks dates can be scheduled into or removed therefrom (*see, e.g.,* specification, p. 14, ln. 20 - p. 16, ln. 18).

The present invention then analyzes the movement of task dates into and out of the relevant tasking horizon to assess the accuracy with which the estimated dates were predicted. In other words, the progress of the various tasks in a project is measured with respect to this planning window. As such, the period of time encompassed by a tasking horizon is necessarily a window of time which is independent of any specific task in the project. The independence of the tasking horizon from all estimated dates and actual dates for the task related events is illustrated on page 13, line 15-19, *inter alia*, of Applicant's specification, which discloses that "[t]he final step is to assign the tasks 20 that occur during the tasking horizon Each day, or at set intervals, the system checks the unassigned tasks and assigns tasks that fall within the next tasking horizon." Additionally, page 16, lines 1-18 in the specification explains the concept of "churn" using examples of estimated dates and actual dates being moved into and out of a current tasking horizon.

In contrast, the Office Action indicates that the "tasking horizon" as recited in Applicants' claims is met by section 3.3.2 and p. 170 in Duncan, *i.e.*, "described in the context of target finish date determination and schedule determination." (Office Action, p. 4). Page 170 in Duncan, however, is merely a glossary page which nowhere discloses a tasking horizon as used in Applicant's invention. Section 3.3.2 in Duncan merely provides an overview of the "Planning Processes" that are performed in a project. The portion of this cited section most relevant to Applicant's "tasking horizon" concept is Duncan's "Activity Duration Estimating" and "Schedule Development," both mentioned on page 31 in Duncan.

In order to fully evaluate the teachings of Duncan with respect to Applicant's claimed "tasking horizon," therefore, a closer review of the "Activity Duration Estimating" and "Schedule Development" processes in Duncan is warranted. As indicated in parentheses following the identification of these processes on page 31 in

Duncan, these processes correspond to sections 6.3 and 6.4 in Duncan, respectively.

A careful reading of sections 6.3 reveals that the most relevant teaching there is found on page 66 in section 6.3.3.1 entitled "[a]ctivity duration estimates," in which it is noted that "[a]ctivity duration estimates are quantitative assessments of the likely number of work periods that will be required to complete an activity." This is quite different from Applicant's "tasking horizon," which is an objective time frame and is not defined in relation to any specific task or activity, or the expected duration for performing any specific task or activity.

Similarly, the most relevant discussion in section 6.4 is found in subsection 6.4.3.1 entitled "[p]roject schedule" on page 69 in Duncan, which discloses "planned start and expected finish dates for each detail activity." The "planned start and expected finish dates" of Duncan most closely correspond to the "predicted dates" disclosed and claimed in the present application, and not the term "tasking horizon." Moreover, if a tasking horizon is defined to be the period of time encompassed by the predicted start and stop dates of a task, as proffered in the Office Action, how can a predicted (estimated) date be created in, moved out of, or moved into a current tasking horizon, as discussed on page 16, lines 6-9 in Applicant's specification, if the estimated date itself defines the beginning or end of the tasking horizon? Clearly, it is impossible to move a task date into or out of a tasking horizon if the time span of the tasking horizon is defined by the task date itself. Based on the "definition" of the term "tasking horizon" used by the Office Action, any movement of a task date/estimated date would serve to shift the tasking horizon as well. When the passages in Duncan cited in the Office Action are considered in light of the actual meaning of the term "tasking horizon" in accordance with Applicant's invention, it is readily apparent that the cited passages do not anticipate or render obvious the process segment of "setting a tasking horizon" as recited in Applicant's claims.

Applicant further notes that section 6.5.3.1 entitled “[s]chedule updates” on page 72 in Duncan teaches that “[r]evisions are changes to the scheduled start and finish dates in the approved project schedule. As in the other sections of Duncan mentioned above, or for that matter, the entire book, there is absolutely no mention or contemplation of an objective time frame smaller than the project time frame which is independent from the tasks or activities of the project, as is Applicant’s term “tasking horizon.”

As demonstrated by the analysis above, the unique concept of framing the progress a project through a sequence of fixed time periods, as defined by the term “tasking horizon” in the claimed invention, is not taught or suggested in Duncan.

In addition to lacking any teaching or suggestion of a “tasking horizon” in accordance with the present application, Duncan also fails to teach or suggest “associating at least two predetermined verbs” with each task related event as recited in claims 1 and 10. As described in the context of the present invention, “verbs” are part of a predefined and structured set or sets of words and phrases (or reasons) that have been programmed into the modeling system of the present invention. (See, e.g., FIG. 4; specification p. 6, lns. 11-20, and p. 12, ln. 16 – p. 13, ln. 14). For example, Applicants’ specification describes the inventive system as including the following processes:

“Once the tasks in a project have been determined, the next aspect of the present invention is the planning of the tasks” (p. 11, ln. 16). “The next step is to assign verbs [] 18 to each task” (p. 12, ln. 16). Then, “[t]he final step is to assign the tasks 20 that occur during the tasking horizon” (p. 13, ln. 15).

This process sequence is visually summarized in FIG. 4, which shows a flow

chart of an "employer task assignment stage" 10 of the invention. As can be seen in FIG. 4, the step of "selecting verbs" 18 occurs after the step of identifying a tasking horizon 16, and before the step of "assigning tasks" 20 to specific workers to perform the tasks. Categories of pre-selected "verb" sets are discussed in Applicants' specification on page 13, for example. It can be seen, therefore, that the term "verb" as used in the present invention is a predefined, structured set or sets of words and/or phrases selected during the planning stages of the project, before the tasks are assigned to be performed by specific workers.

The Office Action asserts that the process segment of "associating at least two [] verbs with [each] task related event" as recited in Applicants' claims is met by section 4.3.3.3 in Duncan, entitled "[l]essons learned" (Office Action, p. 4). Section 4.3.3.3 in Duncan (p. 46) states that "[t]he causes of variances, the reasoning behind the corrective action chosen, and other types of lessons learned should be documented so that they become part of the historical database for both this project and other projects of the performing organization." Thus, it can be seen that the "lessons learned" in Duncan merely reflect the generalized concept and goal of learning from the past, and is not restricted to associating predetermined words or phrases to be selected later by a worker. Nowhere in the cited section of Duncan, or, for that matter, anywhere in Duncan's entire disclosure is there any suggestion of a set or sets of predetermined, structured words or phrases associated with the tasks or task related events of the tasks during a planning phase of the process, as defined by the term "verbs" used in the present invention.

Duncan also fails to teach or suggest tracking the performance of the project or its tasks in real time as recited in Applicant's claims 1 and 10. In the claimed invention, the real time tracking is performed by constantly updating the actual dates of performance of task related events along with the associated predetermined verbs

indicating the reasons why the actual dates did or did not correspond with the predicted dates for those task related events.

At approximately the middle of page 5, the Office Action indicates that the performance tracking process segment recited in claim 1 is met by page 31, FIG. 3-5 (6.3, 6.4) and page 159 in Duncan. Upon careful review of the cited portions of Duncan, it can be seen that the tracking feature of the claimed invention is absolutely not disclosed in this or any portion of Duncan.

The sections 6.3 and 6.4 shown in FIG. 3-5 and briefly described below the figure on page 31 in Duncan are directed to planning stages of the project, and not tracking of the project during the actual performance thereof. Indeed, the large heading at the top of FIG. 3-5 is labeled "Planning Processes" (as opposed to the "Executing Processes" shown in FIG. 3-6 on page 33 and the "Controlling Processes" shown in FIG. 3-7 on page 34 in Duncan). More specifically, the section 6.3 in Duncan, entitled "Activity Duration Estimating," is defined as the process of "estimating the number of work periods which will be needed to complete individual activities" (emphasis added). Similarly, the section 6.4, entitled "Schedule Development," is defined as the process of "analyzing activity sequences, activity durations, and resource requirements to create the project schedule" (emphasis added). Clearly, neither of these processes is relevant to tracking the performance of the project-related tasks in real time as recited in claim 1 or providing real time performance information as recited in claim 10, which only occur after the project schedule has been created and the tasks assigned to individual workers.

Page 159 in Duncan is glossary page of various terms apparently used throughout the text of Duncan. None of the terms and definitions listed on this page correspond to the real time tracking process segment as recited in Applicant's claim 1,

or the human resource module for providing real time performance information as recited in claim 10. Thus, page 159 is also ineffective to anticipate these features of the claimed invention.

In the last line of page 5, the Office Action suggests that pages 93-101 in chapter 9 of Duncan teaches the human resources module recited in claim 10. These pages, however, discuss the "processes required to make the most effective use of the people involved with the project." In particular, chapter 9 includes 3 sections entitled "organizational planning," "staff acquisition," and "team development." The first two processes are performed during the planning stages of the project so that the appropriate personnel can be identified and retained to perform the project related tasks (*see, e.g.*, FIG. 3-5 on page 31). The third section, section 9.3, is directed to the human interaction aspect of the workers during the performance of the project, and is designed to foster and enhance the function of the workers together as a team. Nowhere in this section does it disclose real time tracking or providing of real time performance information based on the specific data types recited in Applicant's claims.

For at least the reasons presented above, Duncan does not teach (or suggest) at least each of the features of the claimed invention discussed above. Thus, independent claims 1 and 10 cannot be anticipated or rendered obvious by Duncan. Claims 6-8, 11-17 and 18-23 are dependent claims which depend ultimately from claims 1 and 10, respectively. As such, each of these claims are also patentably distinguishable over Duncan for at least the same reasons attributable to their respective independent claim, and further recite additional subject matter which, in combination with the features of the independent claims, further distinguish these claims over Duncan.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1, 6-8, 10-12 and 18 over Duncan, and to pass this application to issue.

Dated: May 27, 2003

Respectfully submitted,

By 

Jon D. Grossman

Registration No.: 32,699

Ellen S. Tao

Registration No.: 43,383

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicant